

# Government of the District of Columbia

## ZONING COMMISSION



### ZONING COMMISSION ORDER NO. 806

Case No. 95-4I

(Map Amendment @ National Children's Museum)

March 24, 1997

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on June 6, 1996. At that hearing session, the Zoning Commission considered a petition from the District of Columbia Office of Planning (OP) to amend the Zoning Map of the District of Columbia, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR) Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

This case derives from testimony which was heard in Zoning Commission Case No. 95-4, the Union Station area rezoning. In that case, OP proposed rezoning Square 751, occupied entirely by the National Capital Children's Museum, from C-2-A and C-M-1 to SP-1. During that hearing the President and Executive Director of the National Capital Children's Museum opposed the proposed rezoning. The Executive Director indicated they were working cooperatively with OP to develop an alternative zoning proposal for Square 751.

The OP, by preliminary report to the Zoning Commission dated February 16, 1996, recommended that a further public hearing be held for the above referenced square. In its preliminary approval of map amendments of this case on February 12, 1996, the Commission determined that SP-1 zoning advertised for this square was inappropriate and that a further hearing should be scheduled to consider alternative zones.

Square 751 is bounded by H, I, 2nd and 3rd Streets, N.E. and is currently zoned C-M-1 and C-2-A.

On February 26, 1996, at a special public meeting, the Zoning Commission determined it would advertise a change of zoning for Square 751 from C-M-1 and C-2-A to C-3-A for the entire square and C-3-B in the alternative for the western half of the square.

OP, by memorandum dated May 23, 1996 (hearing report to the Zoning Commission) and by testimony presented at the public hearing, recommended approval of the proposed map amendment to rezone to C-3-B the western half of Square 751 and to rezone to C-3-A the eastern half of Square 751. OP indicated the following:

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"The Office of Planning recommends rezoning the western half of the block C-3-B and the eastern half C-3-A, for several reasons. This combination of zones appears to provide sufficient height and bulk to accommodate the museum's building reuse and expansion needs, while also providing the potential for some real estate revenues to assist the museum in remaining and thriving at this location.

Both zones are midrise and medium density, and the progression from C-3-B near the railroad tracks to C-3-A on the neighborhood side is generally consistent with the land use and zoning progression established in Case No. 95-4. Finally, the adjacent areas are unlikely to be adversely affected by development under this combination of C-3-B and C-3-A zoning. Nearly all of the adjacent frontages on the eastern side of Square 751 are developed with low-scale commercial uses, and a major office complex is proposed to the southwest of the block."

No other government agencies participated in the hearing or submitted reports into the record of the case.

Advisory Neighborhood Commission (ANC) 6A by report dated December 7, 1995 and by the letter dated February 22, 1996 indicated its support for the map amendment as proposed and recommended by the Office of Planning.

The Director of Administration for the National Learning Center/Capital Children's Museum presented testimony at the public hearing which recommended approval of the zoning changes as advertised, including the alternative zoning of C-3-B for the western portion of Square 751. The Director indicated that although this solution might require subdivision of the currently consolidated Lot 800, all rezoning would be consistent or compatible with the proposed contiguous zoning and would provide the desired buffer effect through grandfathered downzoning which would allow the Museum to maximize the potential of the property in order to stay in the inner city.

At the conclusion of the public hearing on June 6, 1996, the Zoning Commission requested OP to submit for the record the east-west dimensions of Square 751 to provide a specific basis for determining the mid-point for the C-3-B District and to provide some design comments on the proposed depth of C-3-B zoning from Second Street.

On July 1, 1996 at its regular public meeting, the Commission revised and discussed the supplemental OP report dated June 13, 1995, which contained the requested information. At that time, the Zoning Commission took proposed action to rezone Square 751 from C-M-1 and C-2-A to C-3-A and C-3-B as follows:

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Rezone the western portion of the square C-3-B with the boundary line being drawn at 150 feet east of 2nd Street, and rezone the remainder of the square C-3-A.

The proposed decision of the Zoning Commission was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganizational Act. NCPC by report dated October 8, 1996 found that the proposed amendments would not adversely affect the Federal Establishment or other Federal Interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

A notice of proposed rulemaking was referred to the Zoning Administrator, OP and Office of the Corporation Counsel, and was published in the D.C. Register on December 20, 1996 for a 30-day review and comment period. The Commission did not receive additional comments as a result of referrals and publication of the notice of proposed rulemaking.

The Zoning Commission believes that the proposed zoning of the property will provide potential financial resources for the Children's Museum through the sale or lease of the land on 2nd Street.

The Zoning Commission further believes that the proposed zoning is compatible with proposed contiguous zoning and will provide the desired buffer effect through graduated down zoning, thus allowing the Museum to maximize the potential of the property in order to be able to stay in the inner city.

The Zoning Commission believes after weighing and balancing all issues associated with the proposed rezoning initiative, that the economic viability of the city and the targeted area is better served by the rezoning, as proposed.

The Zoning Commission has accorded ANC-6A the "great weight" consideration to which it is entitled.

The Zoning Commission further believes that its decision in this case is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the amendment to the Zoning Map, the specific amendment to the Zoning Map is as follows:

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Rezone Square 751 from C-M-1 and C-2-A to C-3-A and C-3-B  
as follows:

Rezone the western portion of Square 751 to  
C-3-B with the boundary line being drawn at  
150 feet east of 2nd Street, and rezone the  
remainder of Square 751 to C-3-A.

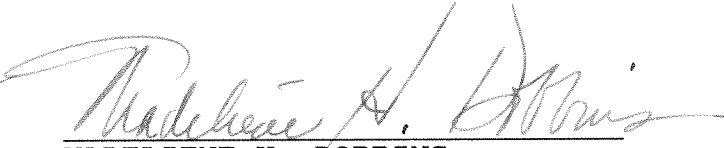
Vote of the Zoning Commission taken at the regular monthly meeting  
of July 1, 1996: 5-0 (Maybelle Taylor Bennett, Howard R. Croft,  
John G. Parsons, Herbert M. Franklin and Jerrily R. Kress, to  
approve).

This order was adopted by the Zoning Commission at its special  
public meeting on March 24, 1997 by a vote of 3-0: (Herbert M.  
Franklin, John G. Parsons and Maybelle Taylor Bennett, to adopt -  
Jerrily R. Kress, not present, not voting).

In accordance with 11 DCMR 3028.8, this order is final and effective  
upon publication in the D.C. Register, that is, on APR 11 1997.



MAYBELLE TAYLOR BENNETT  
Chairperson  
Zoning Commission



MADELIENE H. DOBBINS  
Director  
Office of Zoning

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